

PRESIDENT: Senator Burrows.

SENATOR BURROWS: Mr. Chairman, members of the Legislature. I find it quite interesting and I followed this back a year or so ago, that the ag workers are excluded from the time-and-a-half provisions presently and have been for some time in the state. Now, federally they gave an exemption to ag workers and I can only understand two rationales for it. One would be that the farmers across the nation really didn't have the resources to pay the overtime and I can't understand how the state of Nebraska could segment out under this provision if that were the rationale of the exemption of ag employees. If it was because of the lack of ability to pay, because the state has the same ability to pay its ag employees as it does its other employees, its janitors, and so forth. The only other rationale I could figure for this one is that the state considers these ag employees, these meat employees, these university ag workers, as menial jobs that are below every janitor job, every custodial job in the state. I would like to ask someone that has worked in this, Senator Newell possibly, if he could tell me or has any understanding of what the states rationale is in excluding the ag workers from overtime. Whether it is menial, the low nature of the job, the low status of the worker or whether it is the inability to pay of the state when it comes to paying its ag workers? Or if there is a third alternative anyone can answer for me on this? I'd like to know the answer to this question. Thank you.

SENATOR NEWELL: The rationale is that agricultural employees have to work, its under the same exemption as the federal government provides and that is that agricultural employees work different hours that when the hay has got to come in, the hay has got to come in. You can't leave it out there to rot. When the plowing has to be done, the plowing has to be done. When the cows are calving, the cows are calving. That's the rationale under the federal exemptions. The scooping is another thing. That can be done in a normal 8-hour day. But, the federal government has long exempted agricultural workers and that's exactly what the rationale was. My point, the point that I was trying to make prior to this was that if we're going to go by the federal legislation, we can do that. But this is nowhere close to federal legislation. Under the present bill, agricultural employees are allowed compensation, compensatory time at time-and-a-half. They are not allowed money and I'm saying that's just as unjust, if we're going to try to make this bill anywhere close to what every other worker in the country besides state, county, and city employees get then we have to amend this bill to provide that those employees under a certain level will get in fact money for their overtime, which they do not get now. I'm not sure this bill ought to be advanced in its present form.

SENATOR BURROWS: Thank you. I would just like to answer. I will not buy the concept that the ag workers should be treated as second class citizens. As this proceeds, I think it has come up quite a little in the discussion because it's been done all the time and I think it's a little unreasonable when the state comes out of the same coffers paying the ag worker as all the rest of the employees of this state that they're going to rationale and exempt them. It's just totally unfair under the concept. The ability to pay is the same